

1 Sarah E. Piepmeier, Bar No. 227094
2 SPiepmeier@perkinscoie.com
3 Elise Edlin, Bar No. 293756
4 EEdlin@perkinscoie.com
5 Angela C. Griggs, Bar No. 340652
6 AGriggs@perkinscoie.com
7 PERKINS COIE LLP
8 505 Howard Street, Suite 1000
9 San Francisco, California 94105
10 Telephone: +1.415.344.7000
11 Facsimile: +1.415.344.7050

12 *Attorneys for Defendant*
13 *NETFLIX, INC.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 4:22-cv-01490-JST

**DECLARATION OF ELISE EDLIN IN
SUPPORT OF DEFENDANT LAURI
VALJAKKA'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL [DKT. 191]**

Judge: Hon. Jon S. Tigar

1 I, Elise Edlin, hereby declare:

2 1. I am a member of the State Bar of California. I am a partner with the law firm
3 Perkins Coie LLP and am counsel for Defendant Netflix, Inc. I have personal knowledge of the
4 facts set forth in this declaration and am competent to testify.

5 2. Pursuant to Civil L.R. 79-5(e), I make this declaration in support of Lauri
6 Valjakka's Administrative Motion to File Documents Under Seal Pursuant to Civil L.R. 79-5,
7 Dkt. 191, ("Administrative Motion") to establish that certain documents contain material that has
8 been designated by Netflix as Protected Material as defined by § 2(f) of the Stipulated Protective
9 Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade
10 Secrets (Dkt. No. 56) ("Protective Order").

11 3. I have reviewed Valjakka's Response to Motion for Summary Judgment (Dkt.
12 191-3). There is good cause to seal portions of Valjakka's Response to Motion for Summary
13 Judgment as explained in the chart below.

14 4. I have reviewed Valjakka's Response to Motion to Exclude Portions of the
15 Opinions and Testimony of Robert Held (Dkt. 191-10). There is good cause to seal portions of
16 Valjakka's Response to Motion to Exclude Portions of the Opinions and Testimony of Robert
17 Held as explained in the chart below.

18 5. I have reviewed the Declaration of Dr. Tibor Kozek (Dkt. 191-4). There is good
19 cause to seal portions of the Declaration of Dr. Tibor Kozek as explained in the chart below.

20 6. I have reviewed Exhibit M (Dkt. 191-6). There is good cause to seal portions of
21 Exhibit M as explained in the chart below.

22 7. I have reviewed Exhibit O (Dkt. 191-7). There is good cause to seal portions of
23 Exhibit O as explained in the chart below.

24 8. I have reviewed Exhibit P (Dkt. 191-8). There is good cause to seal portions of
25 Exhibit P as explained in the chart below.

26 9. I have reviewed Exhibit R (Dkt. 191-9). There is good cause to seal Exhibit R in
27 its entirety as explained in the chart below.

10. I have reviewed Exhibit C (Dkt. 191-12). There is good cause to seal Exhibit C in its entirety as explained in the chart below.

11. I have reviewed Exhibit D (Dkt. 191-13). There is good cause to seal Exhibit D in its entirety as explained in the chart below.

12. I have reviewed Exhibit H (Dkt. 191-15). There is good cause to seal portions of Exhibit H as explained in the chart below.

13. I have reviewed Exhibit M (Dkt. 191-19). There is good cause to seal portions of Exhibit M as explained in the chart below.

14. Based on my review of the following documents, there is good cause to seal the following portions of Valjakka's Responses and supporting exhibits¹:

Identification of Material to Be Sealed	Netflix Response or Basis for Sealing
Dkt. 191-3: Valjakka's Response to Motion for Summary Judgment, Sealed in Part at <ul style="list-style-type: none"> • 18:17–22. • 19:1–14. • 20: 15–26. • 21:1–21. • 22: 16–24. • 23: 8–13, 23–25. • 24: 2–8, 11–19. • 25: 4–8. 	<p>The redacted portions of Valjakka's Response MSJ discuss features of Netflix's highly confidential, proprietary information purportedly derived from Netflix's highly confidential internal documentation and source code. Netflix respectfully requests the indicated portions be redacted.</p> <p>Due to the discussion of technical details of Netflix's proprietary technology contained in Valjakka's motion, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.</p>

¹ Netflix does not oppose the remaining requests in Valjakka's Administrative Motion to Seal but makes no representation that any of the material Valjakka seeks to seal is sufficiently confidential as to warrant sealing, except as specifically identified in this Declaration.

1		Netflix respectfully requests that Valjakka's Responsive Motion for Summary Judgment be sealed in part.
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3	Dkt. 191-10: Valjakka's Response to Motion to Exclude Portions of the Opinions and Testimony of Robert Held, Sealed in Part at	The redacted portions of Valjakka's Response Motion to Exclude discuss Netflix's highly confidential financial information. Netflix respectfully requests the indicated portions be redacted.
4	<ul style="list-style-type: none"> Redactions indicated by Valjakka. 	Due to the discussion of financial details of Netflix contained in Valjakka's motion, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's financials.
5		Netflix respectfully requests that Valjakka's Responsive Motion to Exclude Portions of the Opinions and Testimony of Robert Held be sealed in part.
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16	Dkt. 191-4: Declaration of Dr. Tibor Kozek, Sealed in Part at	The redacted portions of the declaration of Tibor Kozek discuss features of Netflix's highly confidential, proprietary information purportedly derived from Netflix's highly confidential internal documentation and source code. Netflix respectfully requests the indicated portions be redacted.
17	<ul style="list-style-type: none"> Paragraphs 8–20. 	This declaration was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Valjakka pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
18		Due to the discussion of technical details of Netflix's proprietary technology contained in the declaration, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary
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1		technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.
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5		Netflix respectfully requests that the Declaration of Tibor Kozek be sealed in part.
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7	Dkt. 191-6: Exhibit M, Sealed in Part at	The redacted portions of the expert report of Tibor Kozek discuss features of Netflix's highly confidential, proprietary information purportedly derived from Netflix's highly confidential internal documentation and source code. Netflix respectfully requests the indicated portions be redacted.
8	<ul style="list-style-type: none"> • Sections IX.2–X.K. • Sections XII.A–C. 	
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11		This expert report was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Valjakka pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
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15		Due to the discussion of technical details of Netflix's proprietary technology contained in the report, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.
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23		Netflix respectfully requests that the expert report of Tibor Kozek be sealed in part.
24	Dkt. 191-7: Exhibit O, Sealed in Part at	The redacted portions of excerpts from the deposition transcript of Ishaan Shastri discuss features of Netflix's highly confidential, proprietary information purportedly derived from Netflix's highly confidential internal documentation and source code. Netflix respectfully requests the indicated portions be
25	<ul style="list-style-type: none"> • 210: 1–11. • 214: 19–25. • 215. • 216:13–217:5. 	
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1		redacted.
2		This deposition transcript was designated
3		“HIGHLY CONFIDENTIAL – ATTORNEYS’
4		EYES ONLY” by counsel for Netflix pursuant to
5		the parties’ Stipulated Protective Order and is
6		thus being filed under seal.
7		Due to the discussion of technical details of
8		Netflix’s proprietary technology contained in the
9		transcript, Netflix’s request is narrowly tailored
10		in order to protect its confidential information.
11		Netflix has invested significant financial and
12		technical resources in developing its proprietary
13		technologies, and public dissemination of the
14		language proposed for redaction could cause
15		Netflix competitive and financial harm by
16		revealing proprietary and confidential
17		information specific to Netflix’s trade secrets and
18		intellectual property.
19		Netflix respectfully requests that the excerpts
20		from the deposition transcript of Ishaan Shastri
21		be sealed in part.
22	Dkt. 191-8: Exhibit P, Sealed in Part at	The redacted portions of the deposition transcript
23	• 103:15–104:25.	of Tibor Kozek discuss features of Netflix’s
24	• 129:1–130:12.	highly confidential, proprietary information
25	• 131:18–141:18.	purportedly derived from Netflix’s highly
26	• 142:23–177:19.	confidential internal documentation and source
27	• 178:22–209:21.	code. Netflix respectfully requests the indicated
28	• 211:6–25.	portions be redacted.
		This deposition transcript was designated
		“HIGHLY CONFIDENTIAL – ATTORNEYS’
		EYES ONLY” by counsel for Valjakka pursuant
		to the parties’ Stipulated Protective Order and is
		thus being filed under seal.
		Due to the discussion of technical details of
		Netflix’s proprietary technology contained in this
		transcript, Netflix’s request is narrowly tailored
		in order to protect its confidential information.
		Netflix has invested significant financial and
		technical resources in developing its proprietary
		technologies, and public dissemination of the
		language proposed for redaction could cause

1		Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.
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4		Netflix respectfully requests that the deposition transcript of Tibor Kozek be sealed in part.
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6	Dkt. 191-9: Exhibit R in its entirety.	This document is notes purportedly derived from Netflix's highly confidential source code.
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8		This document was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Netflix pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
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11		Due to the discussion of technical details of Netflix's proprietary technology contained in these notes, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.
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18		Netflix respectfully requests that the notes from Tibor Kozek be sealed in its entirety.
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20	Dkt. 191-12: Exhibit C in its entirety.	This document is Netflix's highly confidential financial information.
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22		This document was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Netflix pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
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25		Due to the discussion of financial details of Netflix contained in this document Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in
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1		developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's financials.
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5		Netflix respectfully requests that the profit and loss information in Exhibit C be sealed in its entirety.
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7	Dkt. 191-13: Exhibit D in its entirety.	This document is a confidential presentation by Netflix discussing and summarizing Netflix's highly confidential, proprietary information.
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9		This document was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Netflix pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
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13		The Court previously sealed this exhibit in its entirety (Dkt. 161-8) in Dkt. 181.
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15	Dkt. 191-15: Exhibit H, Sealed in Part at	This document is excerpts from the deposition of Helen Ponce, discussing Netflix's highly confidential financial information.
16	• 58: 3, 15–18.	
17	• 59: 9–12.	
18	• 60: 1–9, 12–13, 15–25.	
19	• 61: 3–25.	This deposition transcript was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Netflix pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
20	• 70–73.	
21	• 94:1–21.	
22		Due to the discussion of financial details of Netflix contained in this transcript Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's trade secrets and intellectual property.
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27		Netflix respectfully requests that the excerpts
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1		from the deposition of Helen Ponce in Exhibit H be sealed in part.
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3	Dkt. 191-19: Exhibit M, Sealed in Part at	This document is the rebuttal report of Netflix's expert Dr. Nisha Mody, discussing Netflix's highly confidential financial information.
4	• Page 5: ¶¶ 8, and 10.	
5	• Page 10: Screenshot 2.	
6	• Page 14: ¶¶ 26, and 28.	
7	• Page 15: ¶¶ 30-32, fn. 77.	This deposition transcript was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by counsel for Netflix pursuant to the parties' Stipulated Protective Order and is thus being filed under seal.
8	• Page 20-24: ¶¶ 45 (including screenshot of Exhibit 9), and 47-57.	
9	• Pages 25-29: ¶¶ 59-72, fn. 103, 106.	
10	• Pages 30-37: ¶¶ 77-89.	Due to the discussion of financial details of Netflix contained in this report, Netflix's request is narrowly tailored in order to protect its confidential information. Netflix has invested significant financial and technical resources in developing its proprietary technologies, and public dissemination of the language proposed for redaction could cause Netflix competitive and financial harm by revealing proprietary and confidential information specific to Netflix's financials.
11	• Page 37: ¶ 91.	
12	• Pages 38-43: ¶¶ 93-107.	
13	• Page 44: ¶ 109.	
14	• Page 47: Screenshot of NFX-VALJ-00010580.	
15	• Page 48: Screenshot of document.	
16	• Page 48: ¶ 124.	
17	• Page 51: ¶ 134.	
	• Page 53: ¶ 141.	
	• Exhibits A-R3a.1.	Netflix respectfully requests that the rebuttal report of Dr. Nisha Mody in Exhibit M be sealed in part.

18 15. Netflix has a legitimate interest in keeping its confidential business information
19 sealed because such information gives Netflix a competitive advantage in the marketplace.
20 Disclosure of this information could harm Netflix or give its competitors an advantage in the
21 marketplace.

22 16. The documents identified contain Netflix's confidential information that was
23 produced in this litigation and have been designated as "HIGHLY CONFIDENTIAL --
24 ATTORNEYS' EYES ONLY." These documents include confidential details about Netflix's
25 internal and confidential communications regarding certain operating expenditures.

